



## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2012-02

**LEGISTAR #:** 20120278

**LANDOWNERS:** Estate of John Melvin Clark  
Mary C. Bryan, Executrix  
1960 Austell Road  
Marietta, GA 30060

**APPLICANT:** RaceTrac Petroleum, Inc.  
Attn: Cindy Erfurt  
Engineering Project Manager  
Suite 100  
3225 Cumberland Boulevard  
Atlanta, GA 30339

**AGENT:** Moore Ingram Johnson & Steele  
J. Kevin Moore  
Emerson Overlook  
326 Roswell Street  
Marietta, GA 30060

**PROPERTY ADDRESS:** a portion of 1400 Powder Springs Street

**PARCEL DESCRIPTION:** Land Lot 02600, District 19, Parcel 0030

**AREA:** 5.0 acs. **COUNCIL WARD:** 2

**EXISTING ZONING:** R-2 (Residential Single Family 2 units/acre)

**REQUEST:** CRC (Community Retail Commercial)

**FUTURE LAND USE MAP**

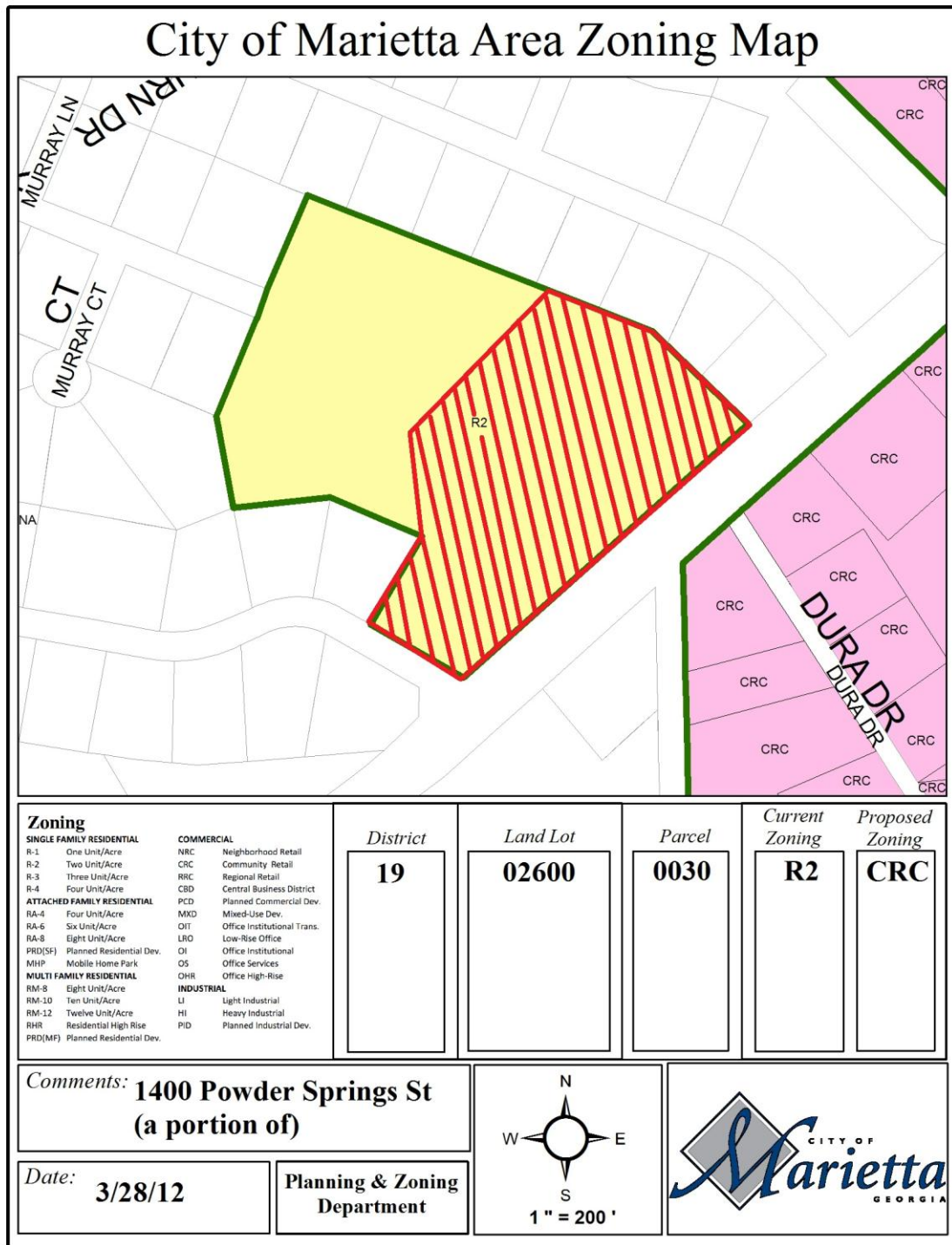
**RECOMMENDATION:** LDR (Low Density Residential)

**REASON FOR REQUEST:** The applicant is requesting the rezoning of this property for the purpose of constructing a gas station and 5,928 s.f. convenience store.

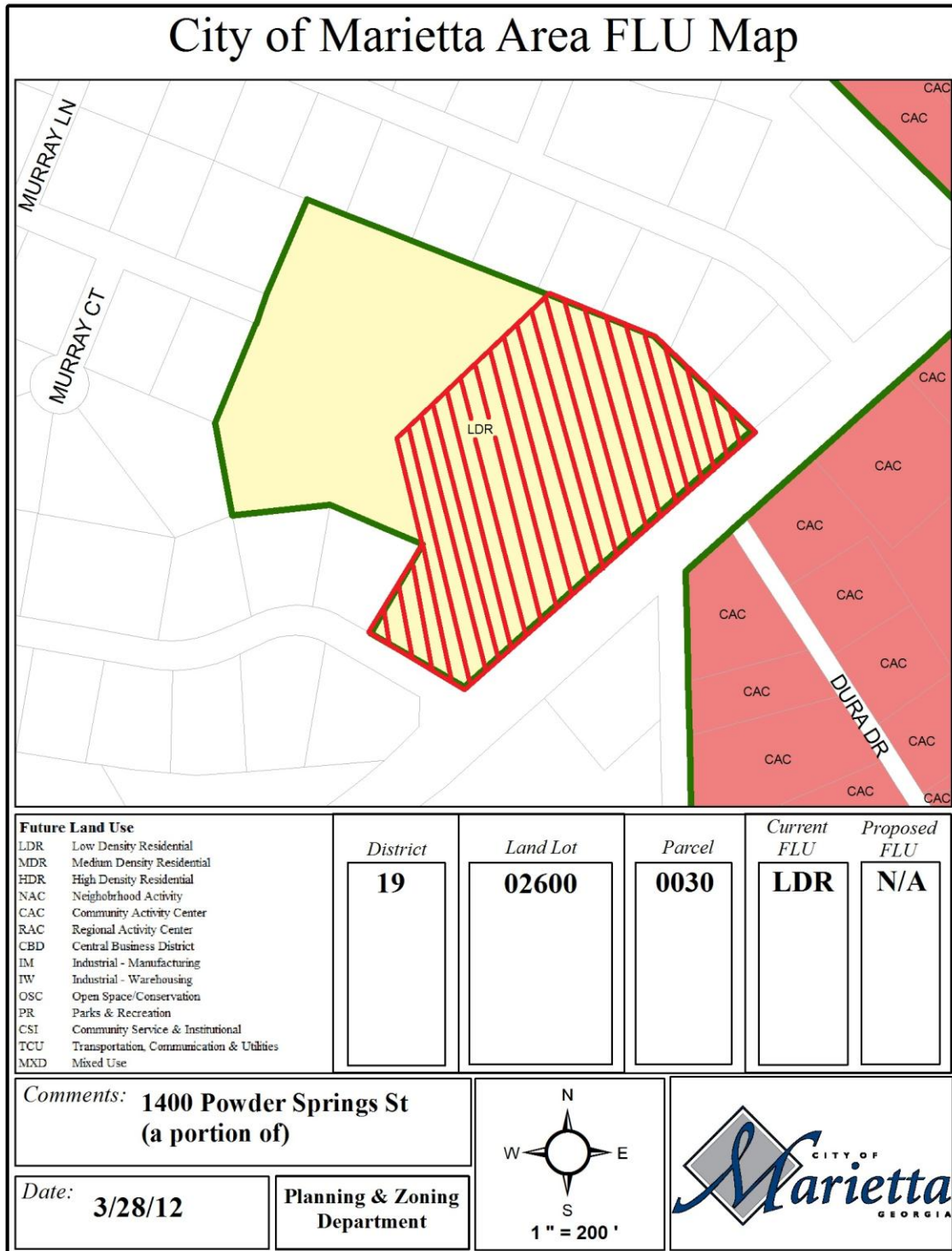
**PLANNING COMMISSION HEARING:** Tuesday, May 1, 2012 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, May 9, 2012 – 7:00 p.m.

## MAP



## FLU MAP





**PICTURES OF PROPERTY**



**Subject property (looking east from Murray Circle)**



**Subject property (looking north from Powder Springs Street)**





**Powder Springs Street frontage**



**Adjacent residence**

## STAFF ANALYSIS

### *Location Compatibility*

Kevin Moore, representing RaceTrac Petroleum, Inc. and the Estate of John Melvin Clark, is requesting the rezoning of a portion of 1400 Powder Springs Street from R-2 (Single Family Residential – 2 units/acre) to CRC (Community Retail Commercial) for the purpose of constructing a new RaceTrac gas station and convenience store. The entire parcel is 8.96 acres in size; however, the petitioner is only requesting the rezoning of five (5) of those acres to CRC. The subject parcel is bounded to the north and west by residentially zoned (R-20 and R-80) properties located in unincorporated Cobb County. A single family home is currently located along the front portion of the property while multiple utility sheds/barns are located in the rear.

### *Use Potential and Impacts*

The submitted site plan and building elevations show the construction of a 5,928 s.f., brick RaceTrac convenience store with two gas canopies, containing a total of twenty pumps. Because the property is surrounded by residentially zoned properties, all efforts should be made to minimize any negative effects a gas station could have on the nearby residences. These negative effects could include light spillover, additional noise, and increased traffic.

A forty (40) foot undisturbed buffer will be required along all property lines adjacent to residential to help offset the negative impacts (the submitted Zoning Plan incorrectly shows the buffer fifty (50) feet wide). Section 710.05 (A) requires that the vegetation and topography within a buffer remain undisturbed. A conceptual landscape plan provided by the applicant shows a complete replanting of the buffer with three staggered rows within the undisturbed buffer area. It is unclear from the plan whether the existing area within the buffer simply lacks adequate vegetation or if the construction of the site warrants grading within this buffer. If grading will occur within the buffer, a variance will be necessary:

- Variance to allow grading within the forty foot undisturbed buffer. [Section 710.05 (A)]

The future land use designation adopted for this property is LDR (Low Density Residential), which is described in the City's Comprehensive Plan as being suitable for single-family detached housing with densities of up to three units per acre. The property was annexed into the City in 2007, and was designated LDR (Low Density Residential) at that time in order to comply with the intergovernmental agreement between the City and Cobb County. This agreement requires zoning and future land use compatibility between the City and the County at the time of an annexation. As a result, this rezoning request is not compatible with the current Future Land Use map and Comprehensive Plan adopted by the City.



## STAFF ANALYSIS CONTINUED

### *Environmental Impacts*

The majority of this site is undeveloped. There appears to be a substantial number of trees and vegetation within the portion of the property not subject to this rezoning application, which should function as a buffer between the Murray Circle residents and the proposed gas station. There does not appear to be any major slopes or floodplain on the property. It is unlikely that any endangered species or wetlands currently exist on the property.

Based on the conceptual tree plan submitted with the application, the proposal appears not to meet the city's street tree requirements. These regulations require the provision of one 3" caliper, large canopy tree every thirty (30) feet along a public roadway – in this case, Murray Circle and Powder Springs Street. These trees must be located within the first ten (10) feet of the property. The plan shows the trees grouped together, rather than evenly spaced, along Powder Springs Street and set back approximately thirty feet from the front property line. Aside from the trees shown where the buffer meets the street, there are no street trees shown along Murray Circle. The following variances would be necessary in order to implement the proposed tree plan:

- Variance to allow the required number of street trees be grouped rather than spaced evenly every thirty (30) feet. [Section 712.08 (G)(2)(a)]
- Variance to allow the required street trees be placed within the front setback, rather than ten (10) foot landscape strip. [Section 712.08 (G)(2)(a)]

### *Economic Functionality*

Due to current economic conditions and the dwindling housing market, it is unlikely that this property will be developed anytime in the near future under the existing zoning classification (R-2). As a result, this property does not have a reasonable economic use as it is currently zoned. The site's location on a busy arterial and state highway, along with the ability to tie into the existing traffic signal, makes it even more appealing as a commercial site. Also, the CRC (Community Retail Commercial) zoning district is the preponderant zoning for properties fronting Powder Springs Street from County Services Road to Longwood Dr. Further, this property directly intersects with commercial property across Powder Springs Street which includes an existing Waffle House restaurant.

The development of the property as a gas station would positively impact the city in the form of increased tax revenues due to commercial property assessment as well as annual business license fees. For example, a RaceTrac already located along South Marietta Parkway within the City of Marietta pays approximately \$15,000 in taxes in property taxes, with the majority of that amount going to Marietta City Schools. Aside from the increased real and personal property taxes, the estimated annual fees received by the city's Business License Division for a gas station selling beer is as follows:



Gasoline Service Station	\$1,302
Convenience Store	\$251
Beer Retail Package	\$541
Sunday Sales of Alcohol	\$595
Alcohol Regulatory Fee	<u>\$175</u>
<i>Total</i>	= \$2,864

### *Infrastructure*

This project is expected to generate 5,012 average daily car trips with 359 peak PM hour trips anticipated. The access onto Murray Circle proposed under the previous rezoning application (Z2011-15) has been eliminated to minimize “cut-through” traffic within the residential subdivision to the rear.

The following are notable comments from the Marietta Public Works Department:

- A 2’ grass strip and 5’ sidewalk to extend along entire frontage of Powder Springs Street is required. Handicap Ramps are required at intersection of drive and Powder Springs Street. If applicable, additional R.O.W. is to be provided for the sidewalk, as necessary. A Quit Claim Deed must be provided to GA DOT and copy to the City for any additional R.O.W.
- All utilities must be placed underground along the frontages, and all utility connections to the building must be underground.

### *History of Property*

An application for the rezoning of the entire nine acre parcel to CRC (Z2011-15) was made late in 2011, but was withdrawn without prejudice.

This property was annexed from Cobb County and rezoned (Z2007-20) from R-20 to R-2 in November 2007. The following stipulation was incorporated as a condition of zoning:

- Any plan for this property must come through the Planning Commission, property be posted, advertised in newspaper and notification to Murray Circle residents.



### *Other Issues*

The elevations submitted with the zoning application also include details on the proposed signage for the project. A few elements of these proposed signs do not meet the requirements specified in the City's Sign Ordinance. The following variances would be necessary in order for the proposed signs to be constructed as submitted:

- Variance to increase the allowable canopy signage on each side from 10 s.f. to 51 s.f. [*Section 714.05 (C)*]
- Variance to increase the allowable sign structure for a freestanding sign on a local road from 30 s.f. to 32 s.f. [*Section 714.04 TABLE H*]
- Variance to allow a wall sign on a building face that does not abut a public roadway or designated access drive. [*Section 714.04 (B)*]

Should the requested rezoning application be approved, an exemption plat to formally subdivide the parcel will be required prior to land disturbance or building permits being issued.

## ANALYSIS & CONCLUSION

Kevin Moore, representing RaceTrac Petroleum, Inc. and the Estate of John Melvin Clark, is requesting the rezoning of five (5) of the nine (9) acres located at 1400 Powder Springs Street from R-2 to CRC in order to construct a new RaceTrac gas station and convenience store. A single family home and multiple utility sheds/barns are currently located on the property. The submitted site plan and building elevations show the construction of a 5,928 s.f., brick RaceTrac convenience store with two gas canopies, each containing twenty pumps.

The subject property is bounded to the north and west by residentially zoned (R-20 and R-80) properties located in unincorporated Cobb County. Although gas stations can generate light, noise, and traffic spillover effects, the residential neighborhood to the rear will be adequately buffered by vegetation and screening. Additional actions could be taken to reduce light spillover onto nearby properties, i.e. light shields and directional box lighting fixtures. Further, there is no direct access from the site onto the residential streets, which will minimize any additional traffic through the neighborhood.

Should the rezoning be approved, the following variances may be necessary in order to develop the property as submitted:

- Variance to allow grading within the forty foot undisturbed buffer. [Section 710.05 (A)]
- Variance to allow the required number of street trees be grouped rather than spaced evenly every thirty (30) feet. [Section 712.08 (G)(2)(a)]
- Variance to allow the required street trees be placed within the front setback, rather than ten (10) foot landscape strip. [Section 712.08 (G)(2)(a)]
- Variance to increase the allowable canopy signage on each side from 10 s.f. to 51 s.f. [Section 714.05 (C)]
- Variance to increase the allowable sign structure for a freestanding sign on a local road from 30 s.f. to 32 s.f. [Section 714.04 TABLE H]
- Variance to allow a wall sign on a building face that does not abut a public roadway or designated access drive. [Section 714.04 (B)]

In addition, an exemption plat to formally subdivide the parcel will be required prior to land disturbance or building permits being issued, should the rezoning application be approved.

This rezoning request is not consistent with the Future Land Use map and Comprehensive Plan adopted by the City, as the future land use designation adopted for this property is LDR (Low Density Residential). However, the site's location on a busy arterial and state highway, with the ability to tie into the existing traffic signal make it more compatible to the immediate area in the city limits, which is mostly zoned commercial.

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_



## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

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Is a water line adjacent to the property?

If not, how far is the closest water line?

Size of the water line?

Capacity of the water line?

Approximate water usage by proposed use?

### ***CITY OF MARIETTA - SEWER***

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Is a sewer line adjacent to the property?

If not, how far is the closest sewer line?

Size of the sewer line?

Capacity of the sewer line?

Estimated waste generated by proposed development?

A.D.F

Peak

Treatment Plant Name?

Treatment Plant Capacity?

Future Plant Availability?



## DATA APPENDIX CONTINUED

### Drainage and Environmental Concerns

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Ward Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

### Transportation

What is the road affected by the proposed change?	Powder Springs Road
What is the classification of the road?	Arterial
What is the traffic count for the road?	29,520 AADT – 2-way
Estimated number of cars generated by the proposed development?	5012 daily
Estimated number of trips generated by the proposed development?	5,928 s.f. x 845.6 = 5012 avg daily 5,928 s.f. x 60.61 = 359 peak (PM Hr)
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---

- Site plans will be required for construction. Site plans must include parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent properties roads, and areas), stormwater quality, and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer.
- Any proposed detention system if proposed for the northern portion of the parcel must drain through the adjacent storm drainage system, and be approved by Cobb County as well as the City of Marietta. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain. Appropriate easements will be needed through downslope property / Murray Circle. It is strongly urged that drainage from detention be considered to be made toward Powder Springs Street if possible.
- A 2' grass strip and 5' sidewalk to extend along entire frontage of Powder Springs Road is required. Handicap Ramps are required at intersection of drives and Powder Springs Road. If applicable, additional R.O.W. is to be provided for the sidewalk, as necessary. A Quit Claim Deed must be provided to GA DOT and copy to the City for any additional R.O.W. granted.
- All utilities must be placed underground along the frontages, and all utility connections to the building must be underground. The proposed trail will be located and constructed along the south side of Powder Springs Street.
- The proposed plan delineates drive access connecting to Powder Springs Road, which is a GA DOT highway (SR360 must be added to the plans). Any work within the R.O.W. must be approved by GA DOT.
- Powder Springs Road traffic signal modifications may have to be made for the intersection to allow the new drive access. The City oversees the signals at that intersection; however, changes must be approved by the City and permitted by GA DOT.
- The right-in / right-out proposed drive must also be approved by GA DOT. We have some concerns of the immediate proximity to the primary drive access opposite County Services Parkway.
- Additionally, relative to the RI/RO drive, some provision must be made for future access to the rear parcel. The road does not have to be constructed at this time, however, it is to be considered for construction of this access (i.e.: stub). Failure to do so may preclude or inhibit any future development of the rear parcel.



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## DATA APPENDIX CONTINUED

### ***EMERGENCY SERVICES***

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Nearest city or county fire station from the development? Station 54

Distance of the nearest station? 1.8 miles

Most likely station for 1<sup>st</sup> response? Station 54

Service burdens at the nearest city fire station (under, at, or above capacity)? None

### ***MARIETTA POWER - ELECTRICAL***

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Does Marietta Power serve this site? Yes \_\_\_\_\_ No   X  

If not, can this site be served? Yes \_\_\_\_\_ No   X  

What special conditions would be involved in serving this site?

Additional comments: